



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

## NOTICE OF DECISION NOT TO USE SPECIAL NOTICE PROCEDURES

REPLY TO THE ATTENTION OF:

Johnson Controls, Inc.  
Benjamin C. Grawe  
DeWitt and Ross  
2 East Mifflin Street  
Madison, Wisconsin 53703

JAN 23 2017

Re: The USS Lead Superfund Site, East Chicago, Indiana

Dear Mr. Grawe:

This letter notifies you that the U. S. Environmental Protection Agency (EPA) has elected not to use special notice procedures pursuant to Section 122(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), at the above referenced site in connection with response actions to be undertaken in connection with what EPA refers to as Operable Unit 1 (OU1), Zone 2 of the Site.

The boundaries of OU1 are described in the Record of Decision dated November 30, 2012, and include the entirety of what is known as the Calumet neighborhood. The Calumet neighborhood is located north and east of the former USS Lead facility. The USS Lead facility is referred to as Operable Unit 2 (OU2). For administrative purposes, EPA has divided Operable Unit 1 into three Zones. A map depicting OU1, Zones 1, 2 and 3 is enclosed. The USS Lead Superfund Site consists of OU1 and OU2, as well as groundwater beneath both units.

## NOTICE OF POTENTIAL LIABILITY

As indicated in the general notice letter previously sent to you, EPA has evaluated information in connection with the ownership and operation of portions of the Site. It has also considered information about ownership and operation of facilities in the vicinity of the Site and about persons who sent materials that contained hazardous substances to the USS Lead facility for disposal or treatment. On the basis of these investigations, EPA has concluded that you may be a potentially responsible party (PRP) as defined at Section 107(a) of the CERCLA, 42 U.S.C. 9607(a).

## DECISION NOT TO USE SPECIAL NOTICE

With respect to response actions in connection with OU1, Zone 2, EPA has concluded that it is not in the public interest to invoke the Section 122(e) special notice procedures. Use of the special notice procedures would not expedite response actions at OU1, Zone 2 but would rather delay such actions. Use of the special notice procedures is incompatible

with EPA's goal of commencing response actions in OU1, Zone 2 during the spring of 2017.

The decision not to use the special notice procedures does not preclude you from entering into discussions with EPA regarding your participation in response activities at the site. This decision simply means that EPA will not use the special notice procedures to govern any future discussions. As always, EPA encourages all PRP offers regarding settlement of this matter and cleanup of this Site.

## **ADMINISTRATIVE RECORD**

Pursuant to CERCLA Section 113(k), EPA must establish – and here has established - an administrative record that contains documents that form the basis of EPA's decision on the selection of a response action for a site. The administrative record files, which contain the documents related to the response action selected for this Site, are available to the public for inspection and comment. The primary location is the EPA Regional office. The Superfund File room is located on the 7<sup>th</sup> floor, 77 W. Jackson Boulevard, Chicago, Illinois. Many of the documents in the Administrative Record may also be found at <https://www.epa.gov/uss-lead-superfund-site>.

## **EPA CONTACT**

I anticipate that Associate Regional Counsel, Steven Kaiser, or his colleague at the Department of Justice, Annette Lang, will be contacting you shortly to schedule a meeting to discuss the best path forward. In the meantime, if you have any questions, please do not hesitate to call or email Mr. Kaiser. He may be reached at (312) 353-3804 or [kaiser.steven@epa.gov](mailto:kaiser.steven@epa.gov).

Sincerely,



Kevin Adler, Acting Chief  
Remedial Response Branch II

cc: Indiana Department of Environmental Management  
Superfund Records Management Center

## **Attachments**

Map, OU1  
PRP Contact List





## **Potentially Responsible Parties General Notice List**

Atlantic Richfield Company  
Michael H. Elam  
Barnes & Thornburg LLP  
One North Wacker Drive  
Suite 4400  
Chicago, Illinois 60606  
(312) 214-5630

Atlantic Richfield Company  
C/O British Petroleum  
Douglas S. Reinhart  
150 W. Warrenville Road  
Mail Code 200-1W  
Naperville, Illinois 60563  
(331) 702-4069

Arava Natural Resource Company, Inc.  
Registered Agent: The Corporation Trust Company  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801

C & D Technologies, Inc.  
David Anderson  
Vice President, General Counsel, and Corporate Secretary  
1400 Union Meeting Road  
Blue Bell, PA 19422-0858

Cyprus Amax Minerals Company  
L. Richard McMillian  
General Counsel  
333 North Central Avenue  
Phoenix, AZ 85004

E I. du Pont de Nemours and Company  
Patricia McGee  
Corporate Counsel  
1007 Market Street  
Wilmington, Delaware 19898

Honeywell International Inc.  
Tom Byrne, Associate General Counsel  
115 Tabor Road  
Morris Plains, New Jersey 07950

Honeywell International, Inc.  
Katherine L. Adams  
Senior Vice President and General Counsel  
115 Tabor Road  
Morris Plains, New Jersey 07950

Johnson Controls, Inc.  
Benjamin C. Grawe  
DeWitt and Ross  
2 East Mifflin Street  
Madison, Wisconsin 53703

Johnson Controls, Inc.  
Judy Reinsdorf  
Executive Vice President and General Counsel  
5757 N. Green Bay Ave.  
Milwaukee, WI 53209

Mining Remedial Recovery Company  
Norman S. Johnson, Vice President  
4780 Caterpillar Road, Unit C  
Redding, California 96003

Mining Remedial Recovery Company  
Registered Agent: The Corporation Trust Company  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801

Mueller Industries, Inc.  
E. Donald Elliott  
Covington & Burling LLP  
One City Center  
850 Tenth Street, NW  
Washington, D.C. 20001-4956

Mueller Industries, Inc.  
Gary Wilkerson  
Vice President, General Counsel and Secretary  
8285 Tournament Drive, Suite 150  
Memphis, Tennessee 38125  
(901) 753-3200

NL Industries, Inc.  
Joel L. Herz  
La Paloma Corporate Center  
3573 East Sunrise Drive, Suite 215  
Tucson, Arizona 85718-3206

NL Industries, Inc.  
Robert D. Graham  
Vice President and General Counsel  
Three Lincoln Centre  
5430 LBJ Freeway, Suite 1700  
Dallas, Texas 75240-2697

The Chemours Company  
Bernard J. Reilly  
Chemours Legal D-7054  
1007 Market Street  
P.O. Box 2047  
Wilmington, Delaware 19899  
(302) 773-0061

The Chemours Company  
David L. Rieser  
K&L Gates LLP  
70 W. Madison Street, Suite 3100  
Chicago, Illinois 60602  
(312) 807-4359

USS Lead Refinery, Inc.  
Robert N. Steinwurtzel  
Baker Hostetler  
1050 Connecticut Avenue, NW  
Suite 1100  
Washington, D.C. 20036-5304

USS Lead Refinery, Inc.  
Norman Johnson, Vice President  
4780 Caterpillar Road  
Redding, CA, 96003

United States Metals Refining Company  
David L. Wallis  
Gallagher & Kennedy  
2575 East Camelback Road  
Phoenix, Arizona 85016-9225